

Remarks/Arguments:

This is a reply to the non-final office action of February 4.

The amendment to claim 1 is supported in the specification at page 4, last paragraph (first sentence) and page 11, first sentence, as well as original claim 10.

In the office action, a prior rejection over Diamantopoulos et al. in view of McDaniel was withdrawn. However, a new ground of rejection was made.

Claims 14-16 and 18-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Diamantopoulos et al. US Patent No. 4,930,504 in view of Van Zuylen et al. US Patent No. 6,221,095.

The examiner correctly interpreted Diamantopoulos et al., and acknowledged that that reference does not disclose the use of control means for automatically controlling parameters of the treatment light using a preset treatment protocols as claimed, even though the control system was capable of providing different treatment energy parameters, such as intensity, dosage, etc. for different skin/tissue conditions.

The new reference (Van Zuylen et al.) was found to disclose an alternative treatment phototherapy apparatus and methods of use for treating various skin/tissue conditions using electromagnetic energy, the apparatus comprising a control system, which controls the parameters of the treatment energy based on preset treatment protocols.

The examiner reasoned that it would have been obvious to one of ordinary skill in the art to modify Diamantopoulos et al. in view of Van Zuylen et al. and to use a control means to control the parameters of the treatment energy based on preset treatment

protocols defining the wavelength, intensity, duration, etc. of the treatment light as presently claimed.

The examiner is requested to reconsider whether the references, or sound reasoning, would have led one to combine the features of Diamantopoulos et al. and Van Zuylen et al., in particular to provide protocols for treating different conditions or parts of the body. We respectfully submit a person of ordinary skill would not have done so, except in hindsight with the benefit of the present application.

We believe this application distinguishes the prior art from the references and that this application is in proper condition for allowance.

Respectfully submitted,

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